



Substitute House Bill No. 5830

Public Act No. 08-27

AN ACT CONCERNING LIVESTOCK DEALERS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 22-381 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

As used in this chapter, "commissioner" means the Commissioner of Agriculture; "dealer" or "broker" means any person, copartnership, association, limited liability company or corporation engaged in the business of buying, receiving, selling or exchanging or negotiating or soliciting the sale, resale, exchange, [transportation] transporting for a fee, transfer or shipment of any [cattle or swine] livestock; "agent" means any person buying [or receiving] or soliciting or negotiating the sale for a fee, resale or exchange of [cattle or swine] livestock for or on behalf of any dealer or broker; [and "cattle" means all dairy, feeding, beef or breeding animals of the bovine genus] "livestock" means any camelid or hooved animal raised for domestic or commercial use; and "livestock producer" means a person involved in the keeping, feeding, growing, raising or breeding of livestock for domestic or commercial use.

Sec. 2. Section 22-382 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

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The provisions of this chapter shall not apply to (1) any [dairyman, grower of swine] person, association, copartnership or corporation which by dispersal sale is permanently discontinuing the activities or business of [dairying, breeding or feeding cattle, or growing swine] a livestock producer; (2) any person, association, copartnership or corporation which sells [cattle or swine which] livestock that have been raised on the premises of such person, association, copartnership or corporation; (3) [any person who does not buy, receive, sell or exchange or solicit or negotiate the sale, resale, exchange or shipment of cattle or swine in the aggregate of more than ten head in any one license year; (4) any dairyman] any livestock producer who purchases or receives [cattle] livestock for the [sole] purpose of producing milk, [and] meat or other animal products or improving [his] such livestock producer's own herd or flock; [(5)] (4) any butcher, packer or processor to whom [cattle or swine] livestock are delivered which are used exclusively for immediate slaughter; [(6)] (5) any farmer who buys or receives [cattle or swine] livestock for grazing and feeding and sells or disposes of such [cattle or swine] livestock after a feeding or grazing period of not less than sixty days; [or (7)] (6) any railroad; [or trucking concern whose primary business is trucking animals either intrastate or interstate] (7) any youth project or organization keeping, feeding, breeding, growing, showing or raising livestock; or (8) any person who does not buy, receive, sell, exchange, solicit or negotiate the sale, resale, exchange or shipment of livestock in the aggregate of more than ten head in any one license year.

Sec. 3. Section 22-383 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

No dealer or broker shall engage in or carry on the business of buying, receiving, selling, exchanging, transporting or negotiating or soliciting the sale, resale, exchange, transportation or transfer of any [cattle or swine] livestock within the state unless licensed as

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hereinafter provided. Such dealer or broker shall be responsible for acts performed or contracts made in connection with buying, receiving, selling, exchanging, transporting or negotiating or soliciting the sale, resale, exchange, transportation or transfer of [cattle or swine] livestock by any person or individual employed by such dealer or broker.

Sec. 4. Section 22-384 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

Any person before engaging in the business of a dealer or broker shall file an application with the commissioner on a form prescribed by the commissioner and pay a license fee. The fee shall be one hundred fifty dollars, provided the fee may be increased by the commissioner by regulations adopted in accordance with the provisions of chapter 54. Such application shall state the nature of the business, the type of [cattle or swine] livestock the applicant proposes to handle, the name of the person applying for a license and, if the applicant is a firm, association, partnership or corporation, the full name of each member of such firm, association or partnership or the names of the officers of the corporation, and the name of the agent or agents of the applicant, the municipality and post-office address at which business is to be conducted and such other facts as the commissioner may prescribe. The applicant shall further satisfy the commissioner as to [his or its] the applicant's character, financial responsibility and good faith in seeking to engage in the business.

Sec. 5. Section 22-385 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

Upon compliance by the applicant with section 22-384, as amended by this act, the commissioner shall, subject to the provisions of this chapter, issue a license entitling the applicant or [his] the applicant's agents to conduct the business of buying or receiving [cattle or swine]

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livestock or receiving, selling, exchanging or soliciting or negotiating the sale, resale, exchange or shipment of [cattle or swine] livestock at the place named in the application until June thirtieth next following. Such license shall be renewable annually, unless suspended or revoked, on payment of a fee of fifty dollars.

Sec. 6. Section 22-386 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

For failure or refusal of a licensee to obey the provisions of this chapter, the commissioner may suspend or revoke the license held by such licensee. Whenever the commissioner is satisfied of the existence of any one or more reasons for revoking a license as provided for in this chapter, before revoking such license the department shall give written notice of a hearing to be had thereon to the licensee affected. Such notice shall be sent by registered or certified mail to the licensee at least ten days prior to the date set for the hearing at the department. On the day of the hearing the commissioner may hear the evidence presented by the licensee and any other witnesses, and the commissioner shall within a reasonable time thereafter render a decision. Any licensee aggrieved by the decision of the commissioner may appeal therefrom in accordance with the provisions of section 4-183, except venue for such appeal shall be in the judicial district of New Britain. The following actions by the applicant or licensee shall constitute just cause for revoking or refusing a license: (1) The violation of state laws or official regulations governing intrastate or interstate movement of [cattle or swine] livestock; (2) where there have been false or misleading statements with regard to the results of official livestock disease diagnostic tests approved by the commissioner and the [Agricultural Research Service of the] United States Department of Agriculture [for the diseases of bovine brucellosis or tuberculosis, vesicular exanthema of swine, foot and mouth disease, anaplasmosis and anthrax,] or with regard to ownership; (3) the buying or receiving

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of [cattle or swine] livestock, selling or exchanging, or soliciting resale, exchange, transport or transfer, of animals officially branded designated by the Department of Agriculture as being diseased, a quarantined animal, or animals from quarantined herds [; provided this subsection shall not apply to cattle which have reacted to any official test used for the detection of tuberculosis or brucellosis, or to cattle in a herd under quarantine for the presence of the diseases tuberculosis or brucellosis when such cattle are disposed of in conformity with state laws and regulations governing disposal of such cattle] or flocks; (4) failure of the licensee to practice approved measures of sanitation of barns, stables, premises or vehicles used for stabling, holding or transporting of [cattle or swine] livestock; (5) consistent or continual failure to keep records required by the commissioner or by law, or refusal to produce books, accounts or records of transactions in the carrying on of the business for which the license is granted; (6) failure to comply with any provision of the general statutes or regulations thereunder relating to [cattle or swine,] livestock; and (7) where a license to deal in livestock, issued to the applicant or licensee by another state, has been suspended or revoked by such state within five years next preceding the date of issuance or renewal of a license under the provisions of section 22-385, as amended by this act.

Sec. 7. Section 22-387 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

Every dealer or broker shall keep accounts, records and memoranda which shall fully and clearly disclose all transactions of [his] such dealer's or broker's business, including the true ownership of the business. Such records shall be made available at any time for inspection by the commissioner or [his authorized] the commissioner's designated agent to determine the origin and destination of any livestock handled by the licensee but information relating to the

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general business of any such person disclosed by the investigation and not related to the immediate purpose thereof shall be treated as of a confidential nature by the commissioner or [his agent] the commissioner's designated agent.

Sec. 8. Section 22-388 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

[All cattle owned by a dealer or held by a dealer, pending sale, exchange, resale or shipment on premises owned, rented, leased or borrowed by such dealer may be subjected periodically to a tuberculin and blood test by an authorized, full-time, salaried veterinarian of the state or federal Department of Agriculture at no expense to the dealer.]

(a) All livestock owned by a livestock dealer or held by a livestock dealer, pending sale, exchange, resale or shipment on premises owned, rented, leased or borrowed by such dealer may be subjected periodically to diagnostic tests for infectious diseases, including, but not limited to, tuberculin and brucellosis tests. Such tests shall be conducted, at no expense to the dealer, by the State Veterinarian or the commissioner's designated agent, a veterinarian employed by the United States Department of Agriculture, or a licensed accredited veterinarian. In the case of an animal or animals that test positive to such diagnostic tests, or if the commissioner has reason to believe that an infectious disease is present in such animal or animals, the commissioner, the commissioner's designated agent or the State Veterinarian may issue a quarantine order pursuant to subsection (c) of this section.

(b) Any reactors to the brucellosis or tuberculin test shall be [branded on the left jaw and a metal tag identifying the animal as a reactor affixed to the left ear] identified in a manner acceptable to the commissioner or the commissioner's designated agent. Such reactors shall be disposed of [by slaughter immediately] in a manner acceptable

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to the commissioner or the commissioner's designated agent. Indemnity shall be paid on all such reactors in the manner provided in section 22-288, provided such reactor shall have passed at least one negative test since entering the state and shall have been acquired by the dealer in compliance with existing state regulations on interstate and intrastate movements of cattle.

(c) If a quarantine, due to the presence of an infectious, communicable livestock disease, is imposed on [cattle] livestock owned by a livestock dealer or held by a livestock dealer pending sale, exchange, resale or shipment on premises owned, rented, leased or borrowed by such dealer, such dealer shall not be prohibited from engaging in [his] business as a dealer, provided such dealer shall comply with all quarantine restrictions and orders and any isolation, bio-security and sanitation [regulations] requirements of the [state Department of Agriculture] department in respect to quarantined [animals] livestock, including [individual identification of each such animal by numbered ear tag and so described] identifying quarantined livestock in a manner acceptable to the commissioner or the commissioner's designated agent as prescribed on the quarantine form, [and shall establish a separate set of premises at least one hundred yards distant from all quarantined premises and pastures used by such quarantined animals, and provided in no instance shall the same attendant attend quarantined animals and animals in the healthy establishment unless disease conditions as determined by the state Department of Agriculture permit such practices under such sanitary requirements as are prescribed by the commissioner or his assistant] or quarantine order issued by the commissioner or the commissioner's designated agent.

Sec. 9. Section 22-389 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

Every person licensed under the provisions of this chapter and

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conducting business under such license shall keep a copy thereof, to be furnished by the commissioner, posted in a conspicuous place in such person's motor vehicle, on their person or at [his] such person's place of business and exposed to inspection by any person entitled to make such inspection. [Any such licensee using a motor vehicle in the course of business conducted under such license shall display in a conspicuous manner a license plate issued by the commissioner on each vehicle so used.] The licensee and each of [his] such licensee's agents shall, at all times when buying or receiving, selling, exchanging or soliciting or negotiating the sale, resale or shipment of [cattle or swine] livestock, carry an identification card, issued by the commissioner, stating that such licensee or the principal of such agent is so licensed. The licensee or agent shall exhibit such card to persons with whom [he] the licensee or agent is negotiating or from whom [he] the licensee or agent is soliciting business and to the commissioner or [his] the commissioner's designated assistant.

Sec. 10. Section 22-390 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

The commissioner shall enforce the provisions of this chapter and [shall make such] may adopt regulations, in accordance with the provisions of chapter 54, as are necessary [for the licensing of cattle or swine dealers or brokers] to carry out the provisions of this chapter.

Sec. 11. Section 22-391 of the 2008 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

Any person who violates or refuses to comply with any provision of this chapter [shall] may be fined not less than two hundred dollars or more than five hundred dollars for a first offense and not less than five hundred dollars or more than one thousand dollars for a second and each subsequent offense, or assessed an administrative civil penalty in

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accordance with section 22-7.

Approved April 29, 2008